

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
SOUTHERN DIVISION**

HEATHER THOMPSON SHAI,)
)
Plaintiff,)
)
v.)
)
COMSYS INFORMATION)
TECHNOLOGY SERVICES, INC.,)
)
Defendant.)
_____)

Case No. WMN 02-CV-335

**MOTION TO STRIKE DEFENDANT’S SURREPLY TO PLAINTIFF’S
REPLY TO DEFENDANT’S OPPOSITION TO PLAINTIFF’S PETITION
FOR ATTORNEY’S FEES**

Plaintiff, Heather Thompson Shai (“Ms. Shai”), by and through counsel, Mindy G. Farber, R. Douglas Taylor, Jr., Mary E. Henry, and Farber Taylor, LLC, pursuant to Fed. R. Civ. P. 7(b) and Local Rule 105(2)(a), respectfully requests that the court strike defendant, Comsys Information Technology Services, Inc.’s rebuttal (surreply) to her reply to defendant’s opposition to her petition for attorney’s fees and in support thereof states as follows:

1. The Court entered Judgment against Comsys and in favor of Ms. Shai on September 24, 2003.
2. On October 9, 2003, Ms. Shai filed a petition for attorneys’ fees as the prevailing party in this matter.
3. On October 27, 2003, the defendant filed its opposition to Ms. Shai’s petition for attorneys’ fees or in the alternative, motion for relief from judgment.
4. On November 10, 2003, Ms. Shai filed a reply to defendant’s opposition to her petition for attorneys’ fees or, in the alternative, motion for relief from judgment.

5. On November 14, 2003, defendant filed what it styled, in part, as a “rebuttal” to Ms. Shai’s reply to defendant’s opposition to her petition for attorneys’ fees. Def.’s Mot. pp. 1-7. The filing also included Comsys’s reply to Ms. Shai’s opposition to the company’s alternative motion for relief from judgment. Id. at pp. 7-9.

6. Comsys’s rebuttal memorandum is in fact a surreply. Local Rule 105 (a)(2) prohibits a party from filing a surreply, “[u]nless otherwise ordered by the Court. . . .” The Court had not ordered Comsys to file a surreply brief, nor did the company so request. Accordingly, the Court should strike pages 1 - 7 of Comsys’s latest filing.

WHEREFORE, for the foregoing reasons, Ms. Shai respectfully requests that the Court grant her motion and strike the surreply filed by the defendant to her reply to its opposition to her petition for attorneys fees, or in the alternative, motion for relief from judgment.

Respectfully submitted,

FARBER TAYLOR, LLC

By: _____/s/_____
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was mailed first class, postage prepaid,
on this 17th day of November, 2003, to the following:

Jack L. B. Gohn, Esq.
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_____/s/_____
R. Douglas Taylor, Jr.